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SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

VERBATIM RECORD OF THE 1405th MEETING

Held at Headquarters, New York,
on Monday, 27 July 1992, at 3 p.m.

Chairman: Mr. LOHIA (Papua New Guinea)

- Question of East Timor (continued)
- Organization of work
- Question of the Falkland Islands (Malvinas)

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The meeting was called to order at 3.25 p.m.

QUESTION OF EAST TIMOR (A/AC.109/1115 and 1126) (continued)

At the invitation of the Chairman, Mr. Roger S. Clark (International Platform of Jurists for East Timor), took a place at the petitioners' table.

The CHAIRMAN: I now call on Mr. Clark.

Mr. CLARK: I appreciate this opportunity to appear before the Committee on behalf of the International Platform of Jurists for East Timor. I have several times previously addressed this Committee and the Fourth Committee of the General Assembly on the subject of East Timor for the International League for Human Rights. The League, of course, endorses this statement also.

During the consideration of the question of East Timor in this Committee last year, Mr. Pedro Pinto Leite spoke of the efforts under way to create the Platform of Jurists, which, as he put it:

> "within its specific field, aims to do its part in putting a stop to the foreign occupation of East Timor and to the creation of conditions that allow its people the exercise of its right to self-determination."
>
> (A/AC.109/PV.1384, p. 33)

The Platform of Jurists was duly constituted in a two-day conference held in Lisbon on 9 and 10 November last. That gathering was attended by more than 60 lawyers from 15 countries and all continents. The Platform now has more than 120 members from some 30 countries, most of whom are international law experts: professors and lecturers at law schools or practising attorneys.

(Mr. Clark)

As lawyers, we take a strong position on what was referred to by an earlier speaker as the question of Timor's political status. We are, in short, particularly concerned with the fundamental illegality of Indonesia's presence in East Timor. That presence represents a breach of the principle of self-determination set out in Articles 1 and 55 of the United Nations Charter and the 1960 resolutions on the subject, General Assembly resolutions 1514 (XV) and 1541 (XV). It represents, moreover, a breach of the Charter prohibitions on the use of force, notably those contained in Article 2, paragraph 4, and Chapter VII, as interpreted in the Assembly's 1970 Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (resolution 2625 (XXV)) and its 1974 resolution (3314 (XXIX)) on the definition of aggression.

Article 2, paragraph 4, of the Charter provides that

> "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations".

Indonesia's actions offend against the very core of that basic proscription of the Charter.

Members of the Platform in such countries as Australia, the United States, New Zealand, Canada, France, the United Kingdom, the Netherlands, Finland and Norway have also taken a strong position on the obligations of their Governments under international law not to give diplomatic countenance to or recognize as other than illegal the situation brought about by

(Mr. Clark)

Indonesia's occupation. Some aspects of this matter are currently before the International Court of Justice in the proceedings brought against Australia by Portugal concerning what is popularly known as the Timor Gap Treaty.

It is against this backdrop of fundamental illegitimacy that one has to see the human tragedy wrought by Indonesia's invasion. Whether its actions subsequent to the invasion in 1975 should best be characterized as genocide, as crimes against humanity or as breaches by an occupying Power of the Fourth Geneva Convention of 1949 relative to the Protection of Civilian Persons in Time of War - that is to say war crimes - this has been a human tragedy of massive dimensions.

The massacre of 12 November last must also be seen against this backdrop. It was not a spontaneous incident, as some Indonesian aplogists would have us believe. It was part of a much wider pattern of repression over the past 17 years. Whether the death toll was the 19 originally claimed by Indonesia, or 100, or 200, it pales by comparison with the close to 200,000 that seems to be the more likely figure for the total depredations since the end of 1975.

Consider, moreover, the paltry response of the Indonesian legal system to these events. Some nine low-level military personnel and one police officer were tried, convicted and sentenced for periods ranging from 8 to 18 months. Some relatively high-level military personnel were sacked or transferred. At the same time, however, trials in Jakarta and Dili of some 15 to 20 Timorese, none of whom appears to have engaged in any violent acts, have resulted in such sentences as 10 and 15 years, and in one case even life imprisonment.

(Mr. Clark)

The Indonesian Defence Minister is quoted as defending the disparities in penalty on the ground that the crimes committed by the Timorese were more serious. Serious by what standards? Those of an occupier. "This", he is quoted as saying,

"is subversion, while the military officers were found guilty of ignoring instructions and acting beyond their authority".

One might have thought that killing peaceable civilians by shooting into a crowd was called homicide, murder even - why mince words? - whether on the part of those actually doing the shooting or on the part of those in charge who either gave the orders or were utterly derelict in their control. Murder is a serious offence in most normal legal systems. But no one on the prosecution side appears to have made the necessary effort to bring charges commensurate with the reality of the events.

So far as the subversion charges are concerned, we have grave doubts whether the Fourth Geneva Convention and general international law permit the imposition of penalties for such a vague offence against those who are opposed to alien subjugation of their country and who seek only to exercise their right to self-determination. The right to engage in peaceful assembly is, moreover, enshrined in international law - for example, in Article 20 of the Universal Declaration of Human Rights. It is almost inconceivable that persons engaged in such an activity should be prosecuted, either under any anti-subversion law, or under any general provisions of the Indonesian criminal code. The trials, further, do not appear to have been conducted in accordance with normal democratic procedures.

(Mr. Clark)

One particularly troubling trial from the point of view of the United Nations is that to which reference was made this morning: that of Francisco Miranda Branco, who was sentenced to 15 years' imprisonment for subversion. The gravamen of the case against Mr. Branco appears to have been that he was involved with an ad hoc body, the Comite Executivo, which was set up to handle the matter of contacting the mission of Portuguese Members of Parliament which was to have taken place in November. The terms of reference of that mission provided, in accordance with United Nations practice, that:

> "The Portuguese parliamentary delegation shall be free to meet whomever it wishes and anyone who wishes to meet the Portuguese parliamentary delegation will be allowed to do so. No action, including of a security nature, may be taken by the Indonesian authorities that could prejudice any potential or actual contacts. Individuals who meet the Portuguese parliamentary delegation shall not be made to suffer any adverse consequences as a result of those contacts." (A/46/456, annex, para. 10)

(Mr. Clark)

Organizing in advance to arrange contacts is plainly within the object and spirit of such a provision. The international community is well served when brave people take promises like these seriously. One of the many challenges of the new order is how to protect them when the Government in question is not willing to live up to its undertakings.

The final matter to which I refer is the statement by the Chairman of the Commission on Human Rights, subscribed to by Indonesian representatives, calling for access to the Territory of East Timor by international human rights organizations. The Indonesian Government has not responded to the Platform's letter sent in January 1992 to the Minister of Foreign Relations requesting that representatives of the Platform visit Dili and also observe the trials. In May we urged the Secretary-General of the United Nations to intervene and use his influence in this matter. As far as we can tell, other non-governmental organizations have had the same problem. What must be done to have Indonesia respond?

The petitioner withdrew.

At the invitation of the Chairman, Mr. Alex Robinson (British Coalition for East Timor and East Timor Ireland Solidarity Campaign) took a place at the petitioners' table.

The CHAIRMAN: I now call on Mr. Robinson.

Mr. ROBINSON: On behalf of the British Coalition for East Timor and the East Timor Ireland Solidarity Campaign, I should like to thank you, Sir, and the other members of the Committee, for this opportunity to petition your Committee. Both organizations were set up by concerned members of the public as a result of widespread revulsion in both countries following the Santa Cruz

(Mr. Robinson)

massacre on 12 November 1991. I will focus on the trials of East Timorese that have been held in connection with the massacre in Dili and the subsequent 19 November demonstration in Jakarta. However, I must first comment on the military tribunals which took place in Denpaser at the beginning of June.

The obvious injustices of the civil and military trials have embarrassed even those Governments that have been most supportive of the Suharto regime. The Indonesian authorities maintain that the due process of law has been followed and that justice has been done, pointing out that the trials were attended by observers from the embassies of the United States, the United Kingdom, Japan and Australia, as well as by a representative of the International Commission of Jurists and journalists from foreign news agencies. Internationally, however, there has been strong public and private criticism of not only the stage-managed nature of the military tribunals, but also the unduly harsh sentences passed on the East Timorese demonstrators, in comparison with those given to the soldiers. This tendency to compare the two sets of trials has meant that the fundamental issue has been overlooked. The victims of the massacre should not have been tried at all, while the real perpetrators have not yet been brought to justice.

To try a few low-ranking soldiers is absurd. None of those convicted started the shooting; none organized the disposal of the bodies or planned the cover-up which claimed that the military's actions had occurred spontaneously. Like the National Commission of Inquiry (KPN) and the Military Honour Council, which has still not made public its final report, these trials failed to account for the deaths and disappearances that took place on 12 November. There were only two indictments, those against

(Mr. Robinson)

Lieutenant Yohanes Penpada and Police Corporal Marthin Alau, for involvement in attacks on demonstrators after the shootings. The KPN report indicated that of the 91 wounded taken to the Wira Husada Military Hospital, 49 were injured by stabbing or blunt instruments. There should be a thoroughgoing investigation to discover the true culprits, whoever they are. For it is only by bringing those responsible for the massacre to trial for murder or conspiracy to murder that the Indonesian Government can show the international community that it is serious in its attempts to resolve this matter justly.

There can be no justification for arresting and charging any of the East Timorese. They were not involved in any acts of violence, but, rather, were exercising their rights to freedom of assembly and expression. Their trials were in violation of an undertaking given by Indonesia when it endorsed a consensus statement at a meeting of the United Nations Commission on Human Rights in Geneva in March. The statement stipulated that

> "all civilians arrested on the occasion [be] treated humanely ... and those not involved in violence [be] released without delay".
>
> (E/1992/22, para. 457)

The use of the anti-subversion law to prosecute the East Timorese also contravened the undertakings given to the Commission. The statement called for the implementation of the recommendations of the United Nations Special Rapporteur on Torture, Professor Kooijmans, following his visit to Indonesia last November, the most important of which was his call for the immediate repeal of the anti-subversion law. Furthermore, whilst agreeing to

> "facilitate access for additional humanitarian organizations and for human rights organizations", (ibid.)

(Mr. Robinson)

the Indonesian Government brought subversion charges against Fernando de Araujo, sentenced to nine years, and Joao Freitas Camara, 10 years, who organized the Jakarta demonstration, citing their passing of information about human rights abuses to organizations such as Amnesty International as subversive crimes.

What is most remarkable about the trials is that the defendants in both Dili and Jakarta used them as an opportunity to speak courageously on behalf of the East Timorese people, who have suffered 17 years of atrocities and have been deprived of their right to self-determination. The defendants used their pleas not to obtain an acquittal or even a lighter sentence, but to assert the correctness of their actions, notably daring to demand that United Nations resolution 1514 (XV), The Declaration on the Granting of Independence to Colonial Countries and Peoples, be implemented to find a solution to the question of East Timor.

The trial of Francisco Miranda Branco, found guilty of subversion and sentenced to 15 years on 22 June, goes a long way towards explaining the hopes pinned on the visit of the Portuguese parliamentary delegation that failed to take place. It also shows how far the Indonesian authorities will go to curb the freedoms of expression and assembly in East Timor. His defence plea was aptly titled "The Aspirations and Innermost Feelings of East Timorese Society on Trial".

Branco was one of eight East Timorese in Dili who were members of an ad hoc body, the Comite Executivo. This committee was set up, as Branco explained in his testimony,

(Mr. Robinson)

"on the basis of the Terms of Reference which were agreed and signed on 27 June 1991 by representatives of the Portuguese and Indonesian Governments at the United Nations, under the auspices of the United Nations Secretary-General".

Branco's crimes were his membership of the Comite Executivo, which the prosecution called a clandestine body, and his attendance at several of its allegedly illegal meetings - nothing more. He did not attend the 12 November demonstration, and indeed had argued against the undertaking of demonstrations either to greet the Portuguese delegation or in the wake of its cancellation. In prosecuting Branco, the Indonesian Government showed blatant disdain for the delegation's United Nations-brokered terms of reference, which were explicit in their intent, as the following section, quoted by Branco in his testimony, shows. Although Mr. Clark has just cited it, it bears repetition. Paragraph 10 reads:

"The Portuguese parliamentary delegation shall be free to meet whoever it wishes and anyone who wishes to meet the Portuguese parliamentary delegation will be allowed to do so. No action, including of a security nature, may be taken by the Indonesian authorities that could prejudice any potential or actual contacts. Individuals who meet the Portugese parliamentary delegation shall not be made to suffer any adverse consequences as a result of those contacts." (A/46/456, annex, para. 10)

(Mr. Robinson)

The purpose of the Comite Executivo was

"to ask the parliamentary mission to urge the Portuguese Government to enter into dialogue with the Indonesian Government and with the representatives of the East Timorese people, including those for and against integration with Indonesia. This was in line with United Nations General Assembly resolution 37/30, passed on 23 November 1982, to reach a solution of the East Timor question that would be acceptable to all sides."

This was the real crime of Branco and the others: the Indonesian authorities refused to countenance any contact with the Portuguese delegation that might tarnish the painstakingly created illusion that East Timor is the happily integrated 27th province of Indonesia. It was to this end, after all, that the Indonesian military embarked on a sustained campaign of intimidation in the build-up to the delegation's visit, also in violation of the mutually agreed Terms of Reference. It was the military, not the members of the Comite Executivo, that aggravated the situation and caused concern to both Bishop Belo and Governor Carrascalao about the possibility of a bloodbath if the delegation's visit went ahead as planned. What the East Timorese got, of course, was no visit and a bloodbath.

Much of Branco's defence plea was dedicated to shattering the illusion of happy integration. He quoted extensively from the 1990 report of a team of sociologists from Gadjah Mada University, Yogyakarta, which was funded by the Bank of Indonesia. This report highlighted a situation of trauma along with deep-rooted dissatisfaction among the East Timorese at life under Indonesian rule, It concluded that the policy of resettlement, the military's

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fundamental policy in East Timor, had been so catastrophic that it should be halted immediately.

Branco also quoted at length from several of the 10 resolutions adopted between 1975 and 1982 by the United Nations Security Council and General Assembly, demonstrating that the international community did not agree with Indonesia's assertions that East Timor had been legally integrated. Moreover, Branco questioned the validity of the 30 November 1975 Balibo declaration, signed by the leaders of four East Timorese Parties, including the United Development Party (UDT) and APODETI. This is the key document used by Indonesia to justify its claim that integration took place "at the request of the East Timorese people". He included statements of several of the Declaration's signatories who have since left East Timor, who insist they were coerced into signing. Such political manipulation was possible only because the signatories were in a precarious situation as refugees in Indonesian territory. Several of the other defendants also devoted part of their pleas to demolishing the Balibo Declaration.

Charged with spreading hatred and animosity towards the Government for his participation in the Jakarta demonstration, Virgilio da Silva Guterres defended the correctness of his actions, pointing out that they were based on principles found not only in the United Nations Charter but also in the Preamble to Indonesia's own 1945 Constitution, that independence is the right of all nations and therefore colonialism must be wiped off the face of the earth because it does not conform with humanitarianism and justice; independence is the main factor of development. The Santa Cruz massacre persuaded him that it was not enough to become a good Indonesian: "We were not born Indonesians." He had joined in the demonstration

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"... to protest against the policy of the Indonesian Government in East Timor because, in our opinion, it is the Indonesian Government's policy which has made it possible for the security forces to implement intimidatory measures against the people and the youth of East Timor during the past seventeen years, in particular the measures taken by them against the mass action in Santa Cruz, Dili.

"We, as the younger generation, the hope of the people of East Timor, vehemently condemn those measures ... It is deeply to be regretted that such a thing could happen ... in a century when humanitarian principles should be upheld, in an era when anti-riot implements have been modernised, when officers are called upon to use persuasive means of self-defence."

Why, Guterres further asked, has East Timor become an army base? "Is there still a war going on there? I don't know. Only the Indonesian Government can answer that question. My own impression is that if there are so many soldiers equipped with war equipment, it must mean that a war is going on, a real war or training for war."

We believe that it is of the utmost importance that the United Nations Secretary-General apply his good offices to ensuring the fair treatment and release of those East Timorese who have been imprisoned for acting in good faith in response to a United Nations-sponsored mission. We also look forward to the moment when the report of the Secretary-General's Personal Envoy, Mr. Amos Wako, is made public.

There is a growing awareness of the fact that not only is there a pressing need for a political solution for East Timor, but that it is possible

(Mr. Robinson)

as well. The international community, recognizing the shift in the global balance, must bring together all the parties concerned, including the East Timorese, to hold negotiations. We believe that the Committee can perform a vital role in facilitating the fruition of the peace process.

The petitioner withdrew.

At the invitation of the Chairman, Ms. Eleanor Hoffman (Westchester People's Action Coalition) took a place at the petitioners' table.

The CHAIRMAN: I now call on Ms. Hoffman.

Ms. HOFFMAN: I am speaking as a member of the Westchester People's Action Coalition (WESPAC), a grassroots organization addressing issues of peace, justice, women's rights and the environment, based in White Plains, New York.

This year's hearings concerning the decolonization of East Timor are timely, considering events that have taken place in the last few months. Yet "decolonization" and independence for East Timor are long overdue. I place the word decolonization in quotation marks because East Timor is effectively no longer a colony of Portugal. Although the United Nations still considers Portugal to be the administering Power, the Portuguese people do not want East Timor as a colony, and the Portuguese Government is not laying claims to the Territory. Nor is it accepted as a colony of Indonesia. Only that country and Australia recognize the annexation of the Territory, which the rest of the world, including the United Nations, considers an illegal occupation.

We are here to help bring about a change in the designation of East Timor by the United Nations from a state of limbo in the category of a Non-Self-Governing Territory to a free and independent, fully self-governing nation.

(Ms. Hoffman)

Many people retain hopes that the practice of colonization will be over by the end of the 20th century. There are only a few years left to achieve this goal, with areas around the world still to gain freedom. Colonialism should be put to rest.

Since the replacement of Portugal in East Timor, only Indonesia, with support from its patron States, is blocking the way to self-determination for East Timor. Military assistance and political support come from the Governments of the United States, Australia, Japan, Britain and other countries - this even in spite of the resolutions passed in the Security Council and the General Assembly calling for Indonesia's withdrawal and implementation of the right of independence and self-determination for East Timor.

The Indonesian Government has managed to do what it has done with little world reaction by maintaining a policy of closing off the Territory to outside scrutiny. Since the Santa Cruz massacre on 12 November 1991 the outcry against the occupation and human rights abuses has been raised to a new level and is growing. In just a little over eight months worldwide attention has focused again on East Timor, with the United Nations Commission on Human Rights, mock trials in Indonesia, action in the United States Congress, parliamentary hearings in Europe and so on.

(Ms. Hoffman)

Just as there is no good reason why Indonesia should be occupying East Timor, there is every reason why East Timor should be a sovereign State. Aside from the obvious right of people to be free to determine their own desiny, the human rights abuses committed by the Indonesians against the Timorese allow them no right to occupy the Territory and enforce their rule over the people. The Indonesians have denied the Timorese freedom of speech, peaceful assembly and protest, all the while destroying an estimated third of the population and brutalizing the rest.

Actions by the Indonesians in East Timor hav violated the Universal Declaration of Human Rights, which claims that such rights should be protected by the rule of law. Yet the United Nations Commission on Human Rights, meeting this past February, was not able to come up with a resolution to condemn Indonesia. Pressure from some Governments was put on the members so that only a weak consensus statement resulted - this in spite of the outrage over the Santa Cruz massacre.

Indonesia covers a vast territory with its many islands. Why would it "need" half of a tiny island? It is trying to control independence groups and develop a unity from diversity. The barbaric methods used to attempt this are a serious problem. After being colonized by the Dutch, the Indonesians are now brutalizing the Timorese and some of the ethnic groups within the country. The Indonesian people are also the victims of their Government's attitude.

The demented behaviour of the Indonesians reminds me of the generational cycle of child abuse, on a much broader scale. Just as in the individual family the violence must be stopped, now the violence of the family of humanity must be ended. Brutality is to be tolerated no longer. We must,

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both as observers and victims, tell the perpetrators that we cannot accept this behaviour towards our brothers and sisters. The connections to the abuses of the past must be cut and new arrangements formed out of peace and respect.

The genocide that the Indonesians have committed in East Timor is nothing less than a holocaust, in real and proportional terms. How can the Timorese recover from the decimation of their population and the horrible realities it bears? I will never forget that my grandmother told me of her family members who were killed by the Nazis. We will talk about these people to the next generation, so they will not forget. They will, hopefully, never have to experience such atrocities. The Timorese will tell their children of the relatives who perished at the hands of the Indonesian military. Every family has at least one member who has been killed since the occupation.

But for how long must this holocaust continue? The Indonesians threatened the Timorese last year that if they spoke to foreigners when Portuguese parliamentarians were planning to come to observe the situation, they would kill their family members, to the seventh generation. That alone should tell the Committee that the Indonesian Government has no business occupying East Timor, terrorizing its people and decimating the population.

The killings under the Indonesian occupation have been going on now for over 16 years. When will they end? With the extermination of the Timorese? Not if we can prevent it. We must be able to get along with the rest of the world. Will this 7 December, a day of infamy for the Maubere people, pass again without freedom from occupation?

It is hoped that these hearings will set in motion the irreversible actions that will bring about freedom and self-determination for East Timor.

(Ms. Hoffman)

We can learn a lesson from the occupation of Kuwait, which prompted an unprecedented concerted military effort against Iraq's invasion. Let us not repeat the same mistakes. If the energy and effort that went into planning that multinational campaign of destruction were used to develop a non-military solution to the occupation of East Timor an example would be set for disengagement from hegemony anywhere around the world. Peaceful methods must be found to force the withdrawal of Indonesia from East Timor and allow for the establishment of a democratic constitution and the free election of a government.

Victory by armed struggle for the Timorese is not viable; it would not work, since they are outnumbered, both in people and in weapons. Nor would outside intervention be possible without massive destruction. As in Iraq, the West would be fighting against weapons it had supplied.

Dealing with the Indonesian military State is difficult. The regime came to power in a coup and has been armed by weapons supplied by Western Governments, which have also supplied money for training. The United States has played a determining role in the survival of Indonesia's Government, supporting it with arms, systematically collaborating and abetting the genocide of hundreds of thousands, under the fear of the Communist threat. There is much at stake for the United States to protect in its relationship with Indonesia in the form of economic and military ties. The United States Government will continue to prop up the current system until it becomes too much of a liability and an embarrassment.

The tide in the United States seems to be turning, though not in the Administration. In the Congress there is bipartisan support, from both liberals and conservatives, for Timorese independence. A majority of Senators

(Ms. Hoffman)

sent a letter to President Bush imploring him to

"end the needless suffering in East Timor and bring about true self-determination for the Territory".

In the House of Representatives an amendment to the foreign aid Bill cutting off funding for Indonesian military education and training passed unanimously, and a Bill has been introduced to cut United States aid to Indonesia for foreign and multilateral assistance and trade preferences until the situation improves regarding human rights and self-determination.

Someone asked me whether the Timorese are educated enough to govern themselves. I contend that they are capable of handling their own affairs. Xanana Gusmao and Jose Ramos-Horta and other spokespeople for the National Council of Maubere Resistance have made calls for self-determination, laying out the blueprint for the future to observe human rights and never to introduce the death penalty. The Timorese may make mistakes, as any people would, but they would not kill their own people. They would not practise atrocities as the Indonesians have, destroying one third of the population, shooting them, starving them, destroying their crops and committing other vicious acts. The resistance movement has stated that it would allow Indonesians living in East Timor to remain. It recognizes that its problem is not with the people of Indonesia, but with the authoritarian military Government.

I can foresee the day when East Timor will be welcomed as a Member of the United Nations. United Nation resolutions can only be enforced peacefully and lastingly if the democratic process takes place in the body of nations.

Who are the constituents of the United Nations? Are they the few Governments representing special interests or the people of the Member

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nations? Mr. Chairman, will you be able to lead the way to independence for East Timor? We are counting on you to do the right thing. Please, do not let us down again.

A few weeks ago at Wave Hill I saw a lovely daylily, a variety named "Jakarta". Let the beauty of this flower be a symbol of peaceful coexistence with the Indonesian people, not a mockery of humanity's potential to live together harmoniously.

The petitioner withdrew.

At the invitation of the Chairman, Ms. Li-Lien Gibbons (East Timor Alert Network of Canada) took a place at the petitioners' table.

The CHAIRMAN: I call on Ms. Gibbons.

Ms. GIBBONS: I am here to represent my family and the East Timor Alert Network of Canada and the Canadian Parliamentarians for East Timor in the hope that justice will at last be brought to the East Timorese people.

I became involved with East Timor when my step-brother, Kamal Bamadhaj, was killed in Dili on 12 November 1991. Although I am only a 21-year-old university student, it has not taken me long to discover Canada's complicity in the wrong done to the East Timorese people by Indonesia.

Canada has not only remained silent, but has also actively assisted Indonesia in carrying out its genocidal policies by providing diplomatic, economic and military support. While before 1980 Canada abstained on United Nations resolutions concerning East Timor, since that time Canada has voted against United Nations resolutions calling for the immediate withdrawal of Indonesian troops and the right to self-determination for the East Timorese. Additional diplomatic support has also been provided through Canada's efforts to have the East Timor issue removed from United Nations agendas, including those of the Human Rights Commission.

(Ms. Gibbons)

Canada has essentially accepted the illegal annexation of East Timor as the 27th province of Indonesia. Canada has a 16-year-long history as a generous provider of economic support to the Indonesian military dictatorship. Indonesia is the third-largest recipient of Canadian aid dollars, having received at least $400 million in unconditional bilateral aid since 1987. Although Canada suspended $46 million in bilateral aid after the massacre of 12 November in East Timor, as a member of the Consultive Group on Indonesia, it recently contributed towards the Group's $4.94 billion multilateral aid donation.

The Suharto Government has made it all too clear that it rejects any linkage between human rights and aid. This spring Indonesia suspended all Dutch aid due to Holland's policy of conditionality. Canada and many other United Nations countries have always chosen to support the Indonesian regime with aid dollars rather than live up to their human-rights rhetoric, much to Indonesia's delight.

Meanwhile, Canada's consistent attitude has been that there is no point in badgering Indonesia, since the situation in East Timor is irreversible. This is true only because of the complicity of States such as Canada. This is also true only if the Indonesian Government is allowed to continue to defy United Nations resolutions which call on it to withdraw its armed forces from East Timor immediately.

My stepbrother Kamal, a 20-year-old student of Malaysian/New Zealand parentage, was shot in Dili, East Timor, on 12 November last. He took part in the procession to the Santa Cruz cemetery, together with a handful of journalists and aid workers, with the express purpose of establishing a

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foreign presence that might prevent the Indonesian military attacking the crowd.

We have information that he was shot by an army unit firing from a truck as he was walking away, alone and unarmed, more than half a kilometre from the cemetery. He was picked up there by an International Red Cross official in a Red Cross vehicle. He had several gunshot wounds but was still conscious. The Red Cross vehicle was stopped at the police headquarters, and the official was ordered to dump Kamal in the compound and leave. This he refused to do. During the subsequent argument Kamal was bleeding heavily. He died from loss of blood shortly after the Red Cross official managed to get him to a hospital.

We understand that many others were, like Kamal, shot in cold blood after the first rounds of firing at the cemetery, or bled to death because they were denied medical treatment.

Although Kamal's passport and driving licence gave his name and Malaysian address, he was buried that same day without any attempt to notify his family. We have not received any explanation of his death from the Indonesian authorities. These are not the actions of a civilized Government.

I am not here because Kamal is any more or less important than any other victim. But I can speak before this Committee without putting other members of my family at risk. East Timorese cannot.

My family and I are not speaking to the Committee as experts on Indonesia, nor are we familiar with United Nations diplomacy and protocol. But since Kamal was killed in Dili, we have learned a lot about East Timor.

We have learned that almost one-third of the 1975 population has been killed in military operations or through starvation since the Indonesian

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invasion. These are not wild estimates but are supported by statements from the Governor of East Timor and read between the lines of the Indonesian census.

We have read the Amnesty International reports which document a recent upsurge in extra-judicial detentions, beatings and disappearances. The targets have not been FRETILIN guerrillas, but students, teachers and civil servants who have dared to criticise the army occupation which controls their lives, suppresses their languages and culture and monopolises economic opportunity.

We have been told that we are lucky to have a body to mourn over. More than 90 East Timorese families are still looking for the children they have not seen since last November. Although they are almost certainly dead and East Timor is a very small place, the authorities have somehow been unable to locate their bodies.

We have read of the long sentences handed down against two East Timorese students who protested the Dili massacre in Jakarta and telephoned friends abroad to report it, thus "shaming" the Indonesian Government. We have read of the light sentences handed down against a few Indonesian soldiers who fired on an unarmed procession and committed this "shame". Meanwhile, East Timorese who were involved in the Santa Cruz procession have received sentences as heavy as life imprisonment.

If our family, armed with nothing but our grief, can get this information, it is surely available to the expert members of this Special Committee. So we must ask it the layman's question: If a former colony can be invaded by a large neighbor, subjugated with such brutality that one-third of its population is wiped out, and still lives in a climate of terror, of political and cultural suppression; if there is no United Nations sanction or

(Ms. Gibbons)

action against the occupying power, then what is the function of this Committee?

We know, of course, that a few key members of the United Nations have accepted the de facto annexation of East Timor by Indonesia, and had hoped that time and economic progress would pacify the East Timorese. But is such acceptance our prerogative or yours? Surely, according to the principles on which this Committee is based, it is the prerogative of the East Timorese to accept or reject integration with Indonesia.

Dili is just a little town, but there were an estimated 3,000 people in the procession by the time it reached the Santa Cruz cemetery. Most of them, like Kamal, were young students. They were the "integrated generation", the product of Indonesian schools and Indonesian development. They knew how the army command handles anti-integration demonstrations. So they risked their lives to tell the world they wanted their independence.

Many words have been spent on exactly how many died on 12 November and subsequently, and what provocation was offered by the marchers. But the real message of Santa Cruz is crystal-clear. Integration has failed. The army has now re-imposed its tough line in East Timor, and the Territory is, once again, virtually cut off from the outside world. But every new detention and every new death will only mobilise another family against Indonesian rule.

East Timorese nationalism is not going to go away. In the name of all the young people who gave their lives to bring the East Timor plight to world attention, we appeal to the Special Committee to take action to establish a United Nations presence to stop the continuing extra-judicial detentions and violence in the Territory. We beg the United Nations to hold a referendum to

(Ms. Gibbons)

give the East Timorese the opportunity to decide their own future, as has been done in other former colonies under its responsibility.

Now I should like to say a few words on behalf of the Canadian Parliamentarians for East Timor, an all-party group seeking to end the brutal occupation of East Timor by Indonesia.

Parliamentarians for East Timor have recently called on the Canadian Government to end economic and military aid to Indonesia. They were shocked and angered by the cold-blooded murder of Timorese youth at the Santa Cruz cemetery on 12 November last. They grieved upon hearing news of torture and the disappearance of many more people in the weeks following the massacre.

The Canadian Parliamentarians for East Timor believe strongly that the human-rights situation in East Timor has deteriorated to an all-time low. Repression has escalated to the point where freedom of speech is virtually non-existent. The Indonesian Government has tried to silence voices that cry out for freedom and democracy with showers of bullets or lengthy prison terms.

(Ms. Gibbons)

The Indonesian military occupation of East Timor is marked by a legacy of rape, murder, torture, theft and starvation. All calls on the Indonesian Government to end its genocide and to respect United Nations resolutions with regard to East Timor have been met with either silence or derision.

The Canadian branch of Parliamentarians for East Timor joins with members of the United States Congress and the Japanese Diet in urging the United Nations to do the following:

Release the report of Dr. Amos Wako, Mr. Boutros-Ghali's Personal Envoy to Indonesia and East Timor; establish a United Nations presence in East Timor to monitor the human-rights situation, particularly in the light of credible reports of pervasive terror on the island; urge the Indonesian Government to release East Timorese prisoners and facilitate access to East Timor, as agreed under the consensus decision of the United Nations Commission on Human Rights; initiate and facilitate negotiations involving Portugal, Indonesia and representatives of the East Timorese on the status of East Timor; take steps to ensure self-determination for the people of East Timor under United Nations auspices, as guaranteed by General Assembly and Security Council resolutions.

In view of the fact that time is quickly running out for the people of East Timor, we urge this Committee to make the strongest possible recommendations to the Secretary-General in order to expedite the decolonization of East Timor.

The petitioner withdrew.

At the invitation of the Chairman, Ms. Amy Goodman took a place at the petitioners' table.

The CHAIRMAN: I call on Ms. Goodman.

Ms. GOODMAN: My name is Amy Goodman. I am a journalist with WBAI/Pacifica Radio here in New York.

Several months ago I survived a massacre in East Timor carried out by the Indonesian army with United States weapons. Before describing that day, let me begin with a little background.

"Big countries with powerful military machines should not be permitted to invade, brutalize or oppress their peaceful neighbours ..."

These were the words of United States Secretary of State James Baker, the words he used to explain why the United States was going to war with Iraq. Yet more than 16 years ago, another large country - Indonesia - invaded a much smaller one - East Timor - with the blessing and support of the United States. What followed was one of the greatest genocides in the late twentieth century. It is estimated that up to one third of the Timorese population has been wiped out. Many of those who were left have been imprisoned and tortured by a military armed and trained by the United States.

East Timor had been a Portuguese colony until 1974, when there was a coup in Portugal and the new Government decided to disband its empire. East Timor had already declared independence when neighbouring Indonesia invaded the tiny island on 7 December 1975. The day before the invasion, then United States President Gerald Ford and Secretary of State Henry Kissinger met with Indonesian President Suharto.

The story of East Timor is a story known to few, except those who have lived through it. Six foreign journalists who were there during the time leading up to the invasion in 1975 were murdered by the Indonesian military. For more than a decade afterwards the country was closed to foreigners. For the few years that East Timor has been semi-open - since 1989 - those who

(Ms. Goodman)

visited East Timor were followed by the army and often barred from the countryside.

I went to East Timor in the summer of 1990, and again last October, with journalist Allan Nairn, a correspondent with The New Yorker magazine.

We had originally gone to East Timor to report on the human-rights situation before, during and after the visit of the Portuguese delegation, brokered here at the United Nations. Although their trip was cancelled, we still traveled throughout the countryside, speaking with dozens of Timorese. We heard the same story everywhere. The military had held meetings in each village, warning the people that anyone who spoke with the Portuguese would be killed as soon as the delegation left. In addition, the Timorese were told that mass graves had already been dug to put their bodies in. It was clear that a nation-wide death threat had been issued. Before the massacre, East Timor Bishop Belo said the military had repeatedly told the Timorese that if they spoke, their families would be killed "to the seventh generation".

We had also been in East Timor in the summer of 1990. On this trip, over a year later, we found that the situation had deteriorated even further, with a number of people calling the months leading up to the anticipated visit of the Portuguese as bad as the early 1980s. Disappearances, imprisonment and torture had increased dramatically, further terrorizing the population.

It was on 12 November 1991 that we survived a massacre carried out by the Indonesian army.

(Ms. Goodman)

The day started like most other days in the capital city of Dili. At 7 a.m. hundreds of Catholic parishioners gathered at the Motael Church for morning mass - only this service was a commemoration of the funeral held two weeks earlier for Sebastiao Gomes, a Timorese youth shot to death when soldiers surrounded the same church in the early hours of 28 October.

Allan and I arrived in Timor the day of Gomes' killing and covered his funeral the following day. After the funeral service more than 1,000 Timorese walked in a procession from the church to the cemetery. Along the route they prayed and chanted, shouting such slogans as "Viva East Timor" and "Viva Sebastiao". When they arrived at the Santa Cruz cemetery, they lowered Sebastiao Gomes' coffin into the ground, buried it and went home.

On 12 November, two weeks later, the commemoration procession to the Santa Cruz cemetery was similar to the actual funeral, except that it was larger. As the procession wove its way through the streets of Dili, more and more people joined - from their workplaces, schools and homes. The crowd was defiant but orderly, with junior-high-school boys trotting along, putting up the "V" sign and chanting "Viva", and the older boys yelling "Disciplina! Disciplina!" keeping them in line. But there was one thing different about this procession from the one two weeks before. People unfurled banners, and those banners said things like "Portugal, we are your responsibility", and "Why the Indonesians shoot our Church?" By the time the procession reached the cemetery, there were well over 3,000 people. As hundreds went over to Sebastiao's grave, many were still standing in the road outside the cemetery, chanting and milling about. Like the funeral two weeks before, things were winding down, and this seemed to be the time that people would be going home - that is, until a truck carrying about 50 soldiers with guns and helmets

(Ms. Goodman)

pulled up in front of the group, and then, from the direction from which the procession had come, we saw hundreds of troops marching up in formation, machine-guns in hand.

At this point, Allan Nairn suggested that we should move to the front of the crowd, so that the soldiers would see us. As Westerners, with headphones, tape recorder, microphone and camera in full view, we thought that the soldiers would be less likely to attack. We were wrong. As the soldiers rounded the corner, they lined up in front of the crowd, and without missing a beat, without any warning, without any provocation, they fired into the crowd, their automatic weapons spraying bullets from right to left and back again, mowing everyone down in front of them. The Timorese were trapped. With walled cemeteries on either side, they had nowhere to go. Many were shot in the back as they tried to turn around and run.

(Ms. Goodman)

A few seconds after the Indonesian soldiers began shooting, other soldiers surrounded me. One grabbed my microphone and shook it in my face, then pushed me to the ground. Others ripped off my bag and equipment and began kicking me in the sides and stomach, punching me in the face and hitting me with their rifles. At that point, Allan Nairn, who was just behind me when the troops opened fire, threw himself over me as I was being beaten, protecting me from further injury. We were then directly behind the line of fire, and they kept beating and kicking Allan in the head, chest and sides until his shirt was drenched in blood.

At one point, Allan's hands and legs went into spasm, and he could not protect himself any more. The soldiers continued to beat his head with rifle butts until they fractured his skull. They then put the United States M-16s to our heads. We kept shouting, "We are from America! We are from America!" After a few minutes, they decided not to execute us. Instead, they focused their attention on an old man whom they dragged next to us and beat into a sewer ditch. Every time he picked up his head, they would take their rifle butt or boot and smash it down.

A truck drove by, and we were able to get into it as the driver helped the old man from the sewer into the truck. No matter how brutally we had been treated, we were lucky. It was nothing compared to what had happened to the Timorese. Bodies were lying everywhere. The soldiers had now moved into the cemetery. As we drove off, we continued to hear gunfire. The truck we were in was flagged down by some young Timorese down the road, and as we stopped, dozens of Timorese jumped in the Jeep and on top of it, hanging on to the wheels and the back, falling off, others getting onto the roof of the truck, because the Indonesians were surrounding the entire area and killing people inside.

(Ms. Goodman)

We drove to the hospital, where the wounded were crowding in. We saw a teenager shot in the back, another being operated on and a boy with his arm ripped open. People were lying in the hallways. We spoke with religious and medical people, all of whom said that they had tried to get to the massacre area to help the wounded and the dying but that the soldiers would not let them go. Kamal Bamadhaj, a New Zealand student from the University of New South Wales, had been in the crowd at the cemetery. He was standing behind us, holding a camera, minutes before the soldiers opened fire. He was shot. The Red Cross Jeep that drove him to the hospital was stopped twice by the military and detained. The Indonesian doctor who treated Kamal told his family that he could have survived the bullet wounds; it was the loss of blood that killed him. Hours later, when we fled the country, the army was moving from house to house, rounding people up.

Despite the Indonesian soldiers' attack on us on 12 November, we, as Americans, were able to escape. The Timorese could not. It is estimated that more than 140 of them were killed that day. The Timorese are currently calling for a United Nations peace-keeping force to be sent to the island to protect them from the Indonesian forces; but as yet, no country has officially asked the Security Council to authorize such a move. Meanwhile, in the United States Congress, the Senate has passed a non-binding resolution calling on President Bush to push the United Nations to appoint a rapporteur on East Timor who would pursue self-determination for the East Timorese. In an unusual move, conservative Republican Senator Malcolm Wallop sent Bush a letter signed by more than half of the United States Senate underscoring their call for presidential action. The House of Representatives has unanimously voted to approve an amendment to the Appropriations Bill cutting off military-training aid to Indonesia.

(Ms. Goodman)

The Indonesian Government would not allow any international investigation of the massacre. Instead, it put out its own preliminary report, in which it said that a few renegade soldiers had got out of hand. It said that this was not Government policy. But it was not a few renegade soldiers who sealed off the cemetery after the mass killings, not allowing any religious or medical people to administer first aid or last rites to the people who were bleeding to death. This was Government policy. It was not a few renegade soldiers who, for more than two weeks, would not allow the Red Cross to see the wounded. This was Government policy. It was not a few renegade soldiers who sentenced survivors of the massacre to prison terms of between 9 years and life in jail. This is Government policy. Last, it was not a few renegade soldiers who banned Allan Nairn and me from returning to East Timor and have now banned all foreign journalists from going there. This is Government policy.

If Indonesia wants to cut down on negative publicity, the answer is not to beat and ban and kill journalists but to stop the killings and the detentions and the torture that have continued even since the 12 November massacre. In addition, Indonesia should abide by the two Security Council resolutions adopted in 1975 and 1976 - just like those passed against Iraq - calling on Indonesia to withdraw from East Timor without delay.

You in this Committee can begin this process. On this day, it is up to you, Mr. Chairman, and your colleagues in the Committee on decolonization to begin a process that will end the reign of terror against the people of East Timor.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Allan Nairn took a place at the petitioners' table.

The CHAIRMAN: I now call on Mr. Nairn.

Mr. NAIRN: My name is Allan Nairn. Last November 12, while in East Timor on assignment for The New Yorker magazine, I witnessed and survived the massacre at the Santa Cruz cemetery.

What I saw was a cold-blooded execution, and the facts are very simple and very clear. Indonesian soldiers marched up in massed formation and opened fire in unison on a peaceful, defenceless crowd. The next day the national commander of the Indonesian military praised the massacre and said that it was armed-forces policy to shoot down defiant Timorese.

This massacre was only the latest mass atrocity in what has been one of the greatest genocides of the twentieth century. Two hundred thousand people, one third of the East Timorese, have been murdered by Indonesian troops. They have been executed in school yards, machine-gunned in open fields, and snatched from their homes and dropped into the sea. Some have died while fleeing through the rocky hills, pursued by planes and helicopters. Others have succumbed to starvation and disease while confined to prison camps and resettlement villages. When I first visited East Timor in August 1990, Timorese would furtively approach me almost every time I went out and ask me to get messages to the outside world. They would usually start by saying that the army would kill them if we were caught, for in East Timor, they explained, it is prohibited to speak to foreigners. They would say, "they killed my father", "my mother", "my brothers", "my wife" and run through the urgent litany of how the army had murdered their loved ones. People handed me notes and letters and pleaded that I should tell their story to the Secretary-General, the Parliament of Portugal, the Prime Minister of Australia or the Congress of the United States.

(Mr. Nairn)

I have spent a dozen years covering armies and repressive regimes in places like Central America, southern Africa and the Middle East, but I have never seen a place where the authorities have succeeded in making so many people so terrified. Downtown Dili is dotted with army torture houses, and there are troops and plain-clothes agents everywhere. In the countryside, police descend on any outsider who enters a village, and they keep track of who is in each hut at night. I spoke with Indonesian troops and intelligence men who confirmed that they had killed 200,000 people. Several thousand of these were Timorese who resisted Indonesia with arms after its army invaded East Timor in 1975. But the vast majority were simply civilian Timorese who either lived in towns that the army had chosen to destroy or had expressed opposition to Indonesian army rule or were unlucky enough to be children of people who had done so.

(Mr. Nairn)

When I returned to East Timor in October of last year, the air of terror was more intense and the repression was greater still. The Indonesian army was sweeping through villages and towns, rounding up Timorese who the army suspected might be preparing to talk to a United Nations-sponsored delegation that was due to arrive from the Parliament of Portugal. The army was holding hundreds of meetings across the country, warning that those who spoke to the delegation would be killed. Bishop Belo told us that the army was saying it would find the families of Timorese who tried to speak or demonstrate and would hunt them down and kill them "to the seventh generation." The bishop said that he thought the army's threats were credible and that if the Timorese tried to speak out in public, the army would respond with massacres as soon as the delegation left.

As it happened, the delegation never arrived in East Timor, but the army staged a massacre anyway. Within days after the postponement of the visit was announced, the army stormed the seaside church of Sao Antonio de Motael. We arrived at Dili a few hours after the attack and later spoke with numerous eyewitnesses. During the attack the soldiers seized a young man named Sebastiao Gomes. They executed him at point-blank range with a pistol-shot to the gut. He had been hunted by the army during the pre-delegation sweeps. Gomes's funeral attracted a crowd of more than 1,000 people. The Timorese were clearly shaken by this attack on their flagship church.

The two-week commemoration of Gomes's death took place on 12 November. It began with the traditional morning mass at the Motael church and continued with a procession to lay flowers on Gomes' grave.

It should be pointed out that the Catholic Church is the only Timorese institution. All others have been obliterated on orders of the army high command. There are no Timorese unions or press, peasant leagues, political

(Mr. Nairn)

parties or student groups. Their leaders have been executed and their existence banned. Timorese have been jailed and tortured for reading newspapers from overseas or attempting to listen on short wave to Radio Australia or the BBC. Social organization can take place only under the army's control. Public speech and assembly are prohibited by army fiat. This means that the civic life of the East Timorese must be conducted underground.

Gomes's funeral was a breakthrough event because people turned out and dared to speak. Some held up their hands in the "V" sign and shouted "Viva East Timor". The commemorative procession on 12 November was even larger and more outspoken. As the mass broke up, people assembled on the street. The Indonesian army intelligence chief drove by. Along the route of march there were soldiers and police, who carefully eyed the passing Timorese. This time a number of people were carrying hand-lettered banners supporting the Church and the cause of Timorese independence. The banners said things like "Why the Indonesian army shoot our church?". One was a plea addressed to "President Busch". There were young men, young women, children in Catholic-school uniforms and old people in traditional Timorese dress.

As the procession wound through Dili, many other people joined; they came from schools and offices and huts along the road. Sometimes young boys would break into a jog and older men would rein them in shouting "Disciplina! Disciplina!" People were chanting and giving the "V" sign and talking among themselves. By the time it reached the cemetery, the crowd had grown quite large. There were perhaps 3,000 to 5,000 people. Some filed in towards Sebastiao's grave, and many others remained outside, hemmed in on the street by cemetery walls. People were, at that point, standing around talking excitedly among themselves, when suddenly someone noticed that one of the exit routes had been sealed off by an Indonesian troop truck. Then, looking to our

(Mr. Nairn)

right, we saw coming down the road a long, slowly marching column of uniformed troops. They were dressed in dark brown, moving in disciplined formation, and they held M-16s before them as they marched. As the column kept advancing, seemingly without end, people gasped and began to shuffle back. I went with Amy Goodman of WBAI/Pacifica Radio and stood on the corner, in the middle of the road, between the soldiers and the Timorese. We thought that if the Indonesian forces saw that foreigners were there, they would hold back and not attack the crowd.

But as we stood there watching while the soldiers marched into our faces, the inconceivable thing began to happen. The soldiers rounded the corner, never breaking stride, raised their rifles and fired in unison into the crowd.

Timorese were back-pedalling, gasping, trying to flee, but in seconds they were cut down by a hail of fire. People fell, stunned and shivering, bleeding in the road, and the Indonesian soldiers kept on shooting. I saw the soldiers aiming and shooting people in the back, leaping over bodies to hunt down those who were still standing. They executed schoolgirls, young men, old Timorese; the street was wet with blood and the bodies were everywhere.

As the soldiers were doing this, they were beating me and Amy Goodman; they took our cameras and our tape recorders and grabbed Amy by the hair and punched and kicked her in the face and the stomach. When I put my body over her, they focused on my head. They fractured my skull with the butts of their M-16s.

The soldiers put us on the pavement and trained their rifles at our heads. They were shouting "Politik! Politik!" We were shouting back "America! America!" and I think that may have been the thing that saved us. They had taken my passport earlier, but Amy showed them hers, and the soldiers

(Mr. Nairn)

seemed impressed when they realized that we were indeed from the United States. We were, after all, citizens of the country that supplied them with M-16s. For whatever reason, the soldiers chose to let us live. We hopped on a passing truck and got away. The soldiers were still firing as we left the scene, some 5 to 10 minutes after the massacre began.

This was, purely and simply, a deliberate mass murder, a massacre of unarmed, defenceless people. There was no provocation; no stones were thrown; the crowd was quiet and shrinking back as the shooting began. There was no confrontation, no hothead who got out of hand. This was not an ambiguous situation that somehow spiralled out of control. The soldiers simply marched up in a disciplined, controlled way and began to fire massively on the crowd.

It was quite evident from the way the soldiers behaved that they had marched up with orders to commit a massacre. They never issued a warning; they did not even pause or break their stride: they marched up and opened fire in unison. This action was not the result of their interaction with the crowd; the Timorese were just standing there or trying to get away. The soldiers opened fire as soon as their column turned the corner and got within a dozen yards of the Timorese.

After the Timorese had been gunned down, the army sealed off the area. They turned away religious people who came to administer first aid. They let the Timorese bleed to death on the road.

It is clear that what we witnessed was a deliberate act of state. The highest Indonesian army officials have said as much. General Try Sutrisno, the chief of the Indonesian armed forces, said in a speech to graduates of the national defence institute that Timorese like those who gathered outside the cemetery are "people who must be crushed". He said, "delinquents like these agitators have to be shot, and we will shoot them". He added,

(Mr. Nairn)

"come what may, let no one think they can ignore ABRI [the Indonesian armed forces]. In the end they will have to be shot down."

General Sutrisno was simply restating the policy which Jakarta has practised in East Timor since 1975. It is the policy of President Suharto and the army command as a whole, and this massacre was simply an example we happened to see.

Because foreign witnesses were there, though, this time there was publicity, and there were resulting threats to cut Jakarta's aid. Indonesia responded by issuing a report saying that the shooting was a "spontaneous reaction by soldiers ... to protect themselves" and that it

"clearly was not an act ordered by or reflecting the policy of the Government or of the armed forces."

The Indonesian report is a very simple and damnable lie, and no Government that praises it can be taken seriously. The only way anyone can put any stock in this report is if he is willing to ignore the testimony of every known foreign and Timorese eyewitness, as well as the numerous policy statements of the Indonesian army chief and other senior Indonesian commanders.

General Sutrisno added on 9 December that as soon as Indonesia's investigation of the massacre is completed, "we will wipe out all separatist elements who have tainted the government's dignity". Sutrisno has no legal basis for saying that the Timorese are separatist, since Indonesia's occupation is against the law and has been rejected by the world community. The Security Council has affirmed that the East Timorese have the right to self-determination. It carries on its books two resolutions quite similar to those adopted against Iraq after its invasion of Kuwait. The resolutions, adopted in 1975 and 1976, call on Indonesia to "withdraw without delay".

(Mr. Nairn)

President Suharto, for his part, responded to the massacre by going out of his way to ridicule the East Timorese. He said that the killings at Dili were a "small thing" and that when world leaders asked him about it,

> "I showed them a map where East Timor is located, the tiny island called East Timor. That small thing caused everybody to make a fuss. And they all laughed."

When the official report on the massacre met still more foreign criticism, Suharto responded by replacing two mid-level generals. For example, he replaced the commander of East Timor with a new general, Theo Syafei, who promptly announced that his predecessor had been too patient and that he would take an even harder line. He said:

> "The (November) incident might reflect the people's aspirations, but it was a rebellion."

He said in an interview with an Indonesian news magazine that any Timorese engaged in anti-Indonesian activity would be "hunted down". General Syafei said in another interview published in Jakarta this March that

> "if something similar to the 12 November event were to happen under my leadership, the number of victims would probably be higher".
>
> (Editor, 14 March 1992)

Suharto's other new commander, General Mantiri, who commands the military region which includes East Timor, explained this month in an interview on the massacre:

> "We don't regret anything. What happened was quite proper. As military, this is so. They were opposing us, demonstrating, even yelling things against the Government. To me that is identical with rebellion, so that is why we took firm action... I will not tolerate such things."
>
> (Editor, 4 July 1992)

(Mr. Nairn)

Generals Mantiri, Syafei, Sutrisno and Suharto have all made it abundantly clear that it is Indonesian policy to kill East Timorese who try to speak publicly about their rights. Yet, in its attempt to hold off continued threats to cut its international aid, Jakarta has tried nine low-level soldiers and one policeman, claiming that they were disobedient during the massacre. Such proceedings are cynical and absurd. The problem is that the troops do follow orders in East Timor. If Indonesia were serious about law, it would have to put its highest generals, including President Suharto himself, on trial, and it would have to terminate its illegal use of terror against the illegally occupied East Timorese.

Since the 12 November massacre the terror has continued. There have been credible reports of executions of witnesses. The army has also been interrogating priests and abducting people active in the church. Before the visit earlier this year of the Secretary-General's Personal Envoy, Mr. Amos Wako, the army told wounded survivors of the massacre who were at the military hospital that if they spoke frankly to Mr. Wako, they and their families would be killed. I would none the less urge that the Committee should ask the Secretary-General to release Mr. Wako's report.

As we left Dili, the army was sweeping through the streets, breaking into homes and rounding up Timorese. Timorese church people, as we left, were calling desperately for international help. They wanted the United Nations to send in a peace-keeping force, first to protect them from the Indonesian troops and later to oversee a transition to orderly self-determination, through a United Nations-supervised referendum. Xanana Gusmao, the leader of the Timorese underground, has called for negotiations to this end under United Nations auspices.

(Mr. Nairn)

The United Nations has the unavoidable responsibility of, at a minimum, enforcing the resolutions on East Timor which the Security Council has already adopted. Just this weekend, at the Association of South-East Asian Nations (ASEAN) conference, United States Secretary of State James Baker said, in regard to the case of Iraq:

> "I know the United States, France and the United Kingdom are serious when we say the United Nations Security Council resolutions ought to be complied with."

That is certainly an admirable sentiment but one that must be applied across the board. And the fact of the matter is that, as United States officials have boasted, Washington has for many years prevented strong United Nations action on East Timor. At the time of the 1975 invasion, for which President Ford and Henry Kissinger gave the go-ahead, the United States was supplying 90 per cent of Jakarta's arms. It doubled its military aid the following year. The United States has continued arming and backing Indonesia during each year of its campaign of extermination against the citizens of East Timor.

In his memoirs of his service as United States Ambassador to the United Nations, Daniel Patrick Moynihan wrote: "the Department of State desired that the United Nations prove utterly ineffective in whatever measures it undertook [on East Timor]. This task was given to me, and I carried it forward with no inconsiderable success."

These days the United Nations likes to claim that it functions as a strong and independent body. East Timor is a crucial test of that purported independence. Countless Timorese face torture and death if the Committee fails to act.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Joao Rui Gaspar de Almeida, Member of the Portuguese Parliament, Socialist Party, took a place at the petitioners' table.

The CHAIRMAN: I call on Mr. Almeida.

Mr. ALMEIDA (interpretation from French): There is no legal controversy over the problem of East Timor. Under international law the situation that has prevailed in East Timor since 1975 is very clear. At the end of the twentieth century it is probably there that one finds the greatest violations of the fundamental norms of international order.

The brutal Indonesian invasion of the Territory of East Timor was perpetrated more than 16 years ago. Immediately following that action, which was a breach of international law, the United Nations, in resolutions adopted both by the General Assembly and by the Security Council, remained firm with regard to the recognition of the right of the Timorese people to self-determination and with regard to the duties and powers of Portugal as the Territory's administering Power.

The continued presence of East Timor, to this day, at the top of the list of Non-Self-Governing Territories whose situation is periodically considered by the Special Committee is in itself a challenge to the consistency of the positions taken by the international community, embodied by the United Nations. This is particularly important if one bears in mind that the General Assembly has declared the decade 1990-2000 to be the International Decade for the Eradication of Colonialism.

The settlement, in accordance with international law, of seemingly insoluble situations, as in Namibia or Western Sahara, and the rapid response

(Mr. Almeida)

to Iraq's illegal occupation of Kuwait encourage us to believe that, following the same rules and principles, the international community will give special attention to East Timor.

Special attention is urgently needed. In more than a decade of occupation 200,000 Timorese have been killed. That is approximately a third of the population, which means that we may say objectively that no other people has suffered a comparable genocide in recent history.

(Mr. Almeida)

The urgency of this need becomes even clearer when we take into account the indications that the occupying Power is persisting in imposing its illegal attitude. This was made very clear by the events of last year.

It is in this light that we must consider the Santa Cruz massacre of 12 November 1991, in which more than 100 Timorese were killed, near a church in Dili, where they had gone to honour a young compatriot who had been killed by Indonesian soldiers. This was not a rare, isolated incident but, rather, one episode in a long, painful process of genocide.

It is also in this light that we should see the imprisonment and punishment of 13 Timorese in Dili and Jakarta, following their just and peaceful protest against that barbaric massacre.

This is clearly one more instance of going against the basic rules of international law, whether through the illegitimate application of Indonesian anti-subversion legislation against the Timorese for acts that occur in East Timor or in the form of the denial by the Indonesian authorities of the fundamental right for detainees to have an impartial defence. These attitudes make manifest the flagrant violation of the 1992 statement of the Chairman of the Commission on Human Rights, which was subscribed to by the representatives of Indonesia.

The question of East Timor thus involves a continuing, unacceptable situation that violates the direct interests of the international community as a whole: the self-determination of peoples, the safeguarding of international peace and security and the prevention and punishment of the international crime of genocide.

At a time when, within the framework of the mandate entrusted to the Secretary-General of the United Nations by resolution 37/30 of 1982, Portugal

(Mr. Almeida)

has put forward a specific plan for negotiations with Indonesia, with the legitimate aim of finding a just and internationally acceptable solution to the problem of East Timor, the international community cannot turn its back on respect for international law and its own fundamental interests. In this regard, the international community must impress upon the occupying authorities the need to put an immediate end to violations of international law by accepting, among other things, that the people of East Timor, like all peoples, has the right freely to decide its future, irrespective of its geopolitical location or its natural resources.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Guido Orlando de Freitas Rodrigues (Member of the Portuguese Parliament, Social Democratic Party) took a place at the petitioners' table.

The CHAIRMAN: I now call on Mr. Freitas Rodrigues.

Mr. FREITAS RODRIGUES: I am a Member of the Portuguese Parliament, here representing the Social Democratic Party, the governing party in Portugal.

Once again the problem of the Non-Self-Governing Territory of East Timor is before the United Nations decolonization Committee. It is a Territory to which the right to self-determination has been denied for many years, and where an invading State has perpetrated continuing massacres, disregarding the most elementary human rights.

On behalf of the Social Democratic Party in the Portuguese Parliament, I am grateful for the opportunity to address the Committee on this matter, which is a painful one for us and for the East Timorese.

(Mr. Freitas Rodrigues)

As is widely known - and the Committee has received a great deal of documentation on the subject today - Indonesia invaded the Territory of East Timor in December 1975 and annexed it by force in July 1976.

Indonesian sovereignty in East Timor has never been recognized by the United Nations, as is proved by various resolutions of the General Assembly and the Security Council.

Continuing appeals to restore international law in this non-autonomous Territory, which is under Portuguese administration, have been refused and hindered by delaying tactics, by attempts at imposing a fait accompli and by indiscriminate use of force by Indonesia.

Thus, besides invoking baseless legal pretexts, the occupying Power has acted violently against the people of East Timor, which has rejected the situation imposed on it. This is demonstrated by the thousands of Timorese who died in their struggle against the invader and who were also the victims of the famine and illness that spread over the Territory.

The continuing use of force reached its peak on 12 November 1991 with the massacre by the invading forces of civilians demonstrating in Santa Cruz cemetery, resulting in the death of approximately 100 Timorese. An untold number of people are missing following the massacre, and many people have been arrested and later brought to trial.

The international awareness of this massacre, because of the horrible scenes shown by the media, especially by television, all over the world, provoked a general revulsion, which forced the Indonesian authorities to recognize the disregard for human rights involved and to decide to take to court the officers responsible for those violent acts. They simultaneously

(Mr. Freitas Rodrigues)

sentenced and condemned the Timorese who had been arrested after the events of 12 November.

I should like to draw the Committee's attention to the following paradox: a few of the officers responsible were given light penalties, but the public does not know whether those sentences will be served or whether they were only a masquerade to be seen by the world. The victims - approximately 20, several of whom declared their Portuguese citizenship - were given severe penalties, one of which was life imprisonment. No comment is needed. The report of Amnesty International issued this month is moving evidence of what happened. I have personally listened to Timorese students arrested at that time who managed to leave the country and who told me how they were subjected to ill treatment and torture by the Indonesian authorities. Obviously, I cannot reveal their names.

It should not be necessary to go into further detail on the situation still prevailing in East Timor. I believe that the continuous oppression endured by the people can be shown by the declarations made last week by the officer responsible for the Indonesian forces of occupation in East Timor, who said that he would act in the same way, or more violently, if further demonstrations were to take place in his territory.

(Mr. Freitas Rodrigues)

Several initiatives have been taken in order to make Indonesia comply with international law and respect human rights and to solve the problem of East Timor. First, the European Community and its member States vehemently condemned the violence in December 1991, making the Community's cooperative relationship with Indonesia depend on the Indonesian response to international concern. Secondly, a consensus statement was approved in Geneva on 4 March by the United Nations Commission on Human Rights, which requested Indonesia to take a number of measures to improve the human rights situation and expressed support for the United Nations Secretary-General in the attempt to reach a just, comprehensive and internationally acceptable solution to the question of East Timor. Indonesia has once more failed completely to comply with that statement. Thirdly, a proposal was conveyed by Portugal to the Secretary-General for a dialogue with Indonesia and with representatives of the East Timorese people, without preconditions, aiming at a settlement of the situation with due respect for the rights and the will of the East Timorese people.

I should like to make it quite clear, and emphasize, that my country, Portugal, does not have any neocolonial interest in this matter. However, it is bound to fulfil its responsibilities as the administering Power of the Non-Self-Governing Territory of East Timor. And it will fulfil them until an acceptable settlement of this problem is reached. Meanwhile, it will draw the world's attention to the suffering of that people and will take any possible initiatives, in accordance with international law, with the aim of upholding that people's rights.

(Mr. Freitas Rodrigues)

The Committee is a privileged body of the United Nations. It can play a decisive role in this matter. As a petitioner, I hope to have brought to its attention the following objectives, which should be pursued: full respect for the human rights of the people of East Timor by the occupying forces; immediate release of the Timorese imprisoned in Dili and Jakarta who were condemned exclusively for political reasons - they were engaged in non-violent activities; immediate start of a dialogue between Portugal, Indonesia and representatives of the East Timorese, which will lead to the exercise of the right to self-determination by the East Timorese people, thus respecting their freely expressed will, whatever it is. If the decision is for independence, we shall respect it; if it is for integration in other, existing States, we shall respect it.

In 1992 there are still several Non-Self-Governing Territories in the world which are the subject of the Committee's attention. I am quite certain that no other cause is more just than the one I have presented to you. I am also quite certain that no other people suffers more than the one on that remote island. I therefore expect the Committee's support to defend its rights in this process.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Miguel Urbano Tavares Rodrigues (Member of the Portuguese Parliament, Communist Party) took a place at the petitioners' table.

The CHAIRMAN: I call on Mr. Rodrigues.

Mr. TAVARES RODRIGUES (interpretation from French): I appear before the Committee today as a Member of the Portuguese Parliament, for the purpose of drawing attention to the dangerous worsening of the situation created by the illegal occupation of East Timor by the Republic of Indonesia and to make an urgent plea for a solution enabling the people of that Territory to exercise its right to self-determination and independence, in accordance with resolutions to that end adopted by the General Assembly and the Security Council.

On 12 November 1991 the Santa Cruz massacre, in which more than 100 Timorese people were killed by the Indonesian army, made the problem of East Timor one of global significance. Film of the massacre has been shown around the world. The power of those pictures achieved what words could not do. Seen directly, the barbarity of the Indonesian empire outraged mankind.

The appeals of the Timorese people have crossed boundaries to become part of the universal conscience and have at last begun to sensitize hundreds of millions of people. However, the international community has not yet found effective ways and means to move from a solidarity of feelings to a solidarity of action, which is the only way to find a solution capable of putting an end to the martyrdom of the Maubere nation and of making possible the implementation of United Nations resolutions.

Indonesia removed its mask after the Santa Cruz massacre, which was followed by prolonged repression. Dozens of Timorese patriots were arrested - on their island and in Java - and many were illegally subjected to Indonesian justice and condemned by tribunals of the dictatorship of General Suharto. While the officers who led the massacre, a coldly premeditated crime, were

(Mr. Tavares Rodrigues)

merely slapped on the wrist, the victims of the violence, the patriots who had risen up against it, received severe sentences.

East Timor is increasingly a Territory where the occupying Power rules at will. Police terror has become a part of everyday life. Representatives of the Javanese empire do as they wish. The main local language, Tetum, and the Portuguese language, are still forbidden in public schools and in religious ceremonies. The strategic goal is to "Javanize" the Territory.

International institutions, such as the European Parliament and the Council of Europe, have condemned the Santa Cruz massacre. Another positive development is the fact that in the United States Congress and in the Parliaments of the member States of the European Community and of Australia, Canada and Japan there have been denunciations of the ongoing violence against human rights by Indonesia. But it is also well known that industrialized countries continue to sell arms to the Indonesian Government. Some of those Governments go so far in their complicity as to supply military aid to the Jakarta Government, in the framework of agreements to create a "professional Indonesian army". This situation is amoral and inseparable from economic interests and power strategies in eastern Asia and in the Pacific. When the diplomacy of powerful and civilized countries produces arguments to justify military cooperation with a Government that makes genocide a State policy we must ask what is the new order that is sought to be imposed upon the world.

Last March, the United States Assistant Secretary of State for East Asian and Pacific Affairs, Mr. Kenneth Quinn, stated once more - contrary to the spirit and letter of resolutions of the General Assembly and Security

(Mr. Tavares Rodrigues)

Council - that his Government considered the annexation of East Timor by Indonesia to be a fait accompli. He did not even hesitate to praise General Suharto's policy and the record of the illegal occupation of East Timor by Indonesia.

With the invocation of principles of international law and the need to defend freedom and human rights, a war was waged in the Gulf. The international community is now asked to support international initiatives backed by the United Nations, the Conference on Security and Cooperation in Europe, Western European Union and the North Atlantic Treaty Organization, aimed at putting an end to the violence in wide areas of the former Yugoslav State.

(Mr. Tavares Rodrigues)

But in so far as East Timor is concerned, nothing at all is being done within the United Nations. The contradiction is shocking. Timor remains forgotten. Indonesia in fact keeps blocking any solution to the problem of East Timor that would be in accordance with United Nations General Assembly and Security Council resolutions adopted after the invasion and occupation of that Territory by Jakarta's armed forces.

The Indonesian Government remains indifferent to both the letter and the spirit of all the official documents in which the United Nations proclaims the inalienable right of the East Timorese people to self-determination and independence, in accordance with General Assembly resolution 1514 (XV). It also sabotages General Assembly resolution 37/30, adopted 23 November 1982, which empowers the Secretary-General to initiate consultations with all parties concerned, with a view to achieving a comprehensive solution to the problem that would be in accordance with the resolutions adopted after the invasion.

Indonesia carries its arrogance and defiance of international law so far as to demand as a condition for the dialogue with Portugal that Portugal, as the administering Power, should accept the annexation of East Timor as an irreversible fact.

There you have morality and political ethics as the Indonesian State practises them.

We are facing not only a situation characterized by massacres such as the one at the Santa Cruz cemetery, following a genocide that has taken more than 200,000 lives in East Timor since 1975. Indonesia's imperialist policy in East Timor, based on systematic contempt for human rights, amounts to an intolerable challenge posed by the Jakarta Government to the United Nations.

(Mr. Tavares Rodrigues)

As a member of the Portuguese Parliament, I ask, "How long can General Suharto's monstrous dictatorship go on refusing to respect the right to self-determination and independence of the heroic and tormented people of East Timor?" The answer depends essentially on the international community and, above all, on the United Nations.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Thomas Mehady (Pax Christi International) took a place at the petitioners' table.

The CHAIRMAN: I now call on Mr. Mehady.

Mr. MEHADY: Pax Christi International welcomes this opportunity to speak on the situation in East Timor. Our organization has made interventions on East Timor before the United Nations Commission on Human Rights consistently since 1983. An underlying premise of our interventions is that the people of East Timor has a right to self-determination, in accordance with the principles of the United Nations itself, and that this right has been violated by the actions of Indonesia. Today we speak in favour of a proposal for a process of dialogue under the auspices of the United Nations, without preconditions, to explore all possible options aimed at a comprehensive settlement of the problem of Indonesian control of East Timor.

We do not intend to review here the legal premises and arguments for a referendum on self-determination for the people of East Timor, nor to recall the sorry history of the military invasion of East Timor by Indonesia. We do want to point out several recent factors that give hope for resolving a situation that has cost the lives of hundreds of thousands of people, the victims of an attempt to solve the conflict between East Timor and Indonesia by violence.

(Mr. Mehady)

First, Indonesian efforts to appease the East Timorese by material incentives, by spending large sums of money on developing East Timor's administrative and economic infrastructure, have failed. This was made clear by a 1990 report commissioned by the Bank of Indonesia and the Provincial Government of East Timor and carried out by the Indonesian University of Gadjah Mada. Based on sociological fieldwork, the report confirmed that the East Timorese were deeply alienated from Indonesian rule. In explaining the alienation, the report drew attention to the prevalence of abuse, violence and corruption and concluded that the economic passivity of the East Timorese resulted primarily from this political alienation and would not be solved by economic subsidies.

Many Indonesian non-governmental organizations (NGOs) are now deeply troubled by the situation in East Timor. They believe that the situation should be regarded fundamentally as a political issue that demands a political response. They are advocating dialogue involving the East Timorese.

Secondly, support for East Timorese self-determination is extensive and growing in many countries. The Santa Cruz massacre in November was without doubt a major factor in changing the conviction of many key people - senior academics, editors of newspapers, religious leaders and others - in Europe, the United States of America, Japan and Australia. For the first time, the United States House of Representatives voted to ban military aid to Indonesia because of Indonesian action in East Timor. An International Federation for East Timor was created by all participating NGOs at the 11th Consultative Meeting on East Timor. Clearly, international concern is growing and expressing itself in ever more concrete ways.

(Mr. Mehady)

Thirdly, the international political context is conducive to a reappraisal by Indonesia of its present relations with East Timor and those with the outside world over East Timor. The potential for both violent and non-violent political change has been abundantly demonstrated in recent months, with a growing recognition of the possibility of constructive dialogue and of the intolerable human cost incurred when military means are used to repress the aspirations of peoples to self-determination.

We therefore support the proposal, recently outlined before the European Parliament, for a peace process in three phases under the auspices of the United Nations.

In the first phase, lasting one or two years, Portugal and Indonesia would begin talks under the auspices of the Secretary-General of the United Nations. This phase would not necessitate direct East Timorese involvement but would have the United Nations act as a go-between. The focus of this first phase would be on achieving an immediate end to all armed activities in East Timor, the immediate and unconditional release of all East Timorese political prisoners and the reduction of Indonesian military personnel in East Timor to 1,000 within a six-month period. Other objectives of the talks would be the removal from East Timor of all heavy weapons, tanks, helicopters, combat aircraft and long-range artillery pieces and the substantial reduction of Indonesian civil servants in East Timor.

The talks would also deal with access to the Territory of East Timor by United Nations specialized agencies, such as the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP) and the World Health Organization (WHO). The proposal further calls for the establishment

(Mr. Mehady)

of a Human Rights Commission to be set up at Dili, the lifting of press censorship, freedom of political activities and assembly and the removal of restrictions on the teaching of Portuguese. The Secretary-General of the United Nations would appoint a resident representative responsible for all United Nations activities in East Timor, including reporting on the implementation of the accords.

(Mr. Mehady)

This proposal anticipates a second phase, lasting from two to five years, during which elections for a local assembly would be held. The United Nations would provide technical support and supervision of the election. At the end of this phase there would be preparations for a referendum on self-determination, followed by a general election for a Constituent Assembly.

There are further details in this proposal, readily available, which we cannot treat here. We favour this proposal because it is based on the clear case for East Timorese self-determination and also on political realism. It provides a way out of a situation that can only grow worse if an alternative is not found. With every day of delay, the cost measured in human suffering increases for this and future generations of the people of East Timor and also for Indonesia. Now is the moment to move vigorously with a creative plan for a just negotiated settlement.

We call on Secretary-General Boutros-Ghali to make the solution of the East Timor question a priority during his term of office. We urge reactivation of the 1982 General Assembly resolution on East Timor, which directed the Secretary-General to find a solution involving all the parties concerned. The process towards a solution must include the East Timorese themselves. Without their participation and consent there can be no lasting solution.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Vincent Da Silva Guterres (Timorese Democratic Union) took a place at the petitioners' table.

The CHAIRMAN: I call on Mr. Da Silva Guterres.

Mr. Da SILVA GUTERRES (Timorese Democratic Union): On behalf of the Timorese Democratic Union (UDT), the delegation of our party, consisting of Dr. Azancot de Menezes and myself, expresses its gratitude for the opportunity to address this Committee.

East Timor continues to be a Non-Self-Governing Territory which has not yet exercised its right to self-determination and independence, in accordance with the letter and spirit of the Charter of the United Nations and the successive resolutions of the General Assembly and the Security Council.

Indonesia, contrary to all rules of coexistence among peoples, invaded and annexed East Timor in 1975 and has, for more than 17 long years, practised genocide and ethnocide against our defenceless people, causing more than 200,000 deaths in a population of approximately 650,000 inhabitants. The massacre of 12 November 1991 at the Santa Cruz cemetery, perpetrated by the invading Indonesian forces, illustrates well the deliberate strategy of extermination of our people. This massacre, which is the only one filmed by the British journalist Steve Cox and pictures of which have been successfully brought out of Timor and out of Indonesia, constitutes unequivocal proof of the genocide practised in East Timor.

We take this opportunity to hand over four copies of the cassette of the Santa Cruz massacre to the Chairman, and we request him most sincerely to bring them to the attention of the members of this Committee in order to acquaint them with the way in which the Indonesian military forces coldly assassinate our young people and children, many of whom were not even born at the time of the invasion and annexation of Timor by Indonesia.

(Mr. Da Silva Guterres)

Indonesia has not yet completely exterminated our people, and this is because the international community has denounced and condemned with firmness the horrendous crimes committed against the people of Timor.

To cover up their crimes against humanity, the Indonesian rulers have, one the one hand, tried in various ways to deceive international public opinion by using false arguments and deliberately distorting facts so as to consolidate their positions, and, on the other hand, blocked the entry into East Timor of international organizations which want to inform themselves of the extent of the tragedy.

Indonesia's diplomacy has repeatedly presented the same arguments in order to defend its illegal and illegitimate position of annexation of East Timor. Some of these arguments were presented, one more time, by the Indonesian representative before this Committee on 22 July 1992.

One of the arguments invoked by Indonesia is that in East Timor there has already been an act of self-determination in harmony with the spirit of the Charter of the United Nations and of General Assembly resolutions 1514 (XV) and 1541 (XV).

Nothing could be further from the truth!

We categorically affirm that no genuine act of self-determination ever took place in Timor. What took place in fact was a war unilaterally declared by Indonesia, one of the major Powers of the region, against a small people, for the purpose of annexing it without regard to the means.

We are dealing here with a military conquest, an act to be condemned, which was undertaken in the late twentieth century, on the threshold of the twenty-first.

(Mr. Da Silva Guterres)

A second argument that has been utilized is that the majority of the Timorese, represented by four parties, requested Jakarta to integrate Timor into Indonesia.

That request for integration did not have any legitimacy.

Its authors - namely, those of the UDT - took that decision without the knowledge of the competent organs of the Party, and they assumed powers which were statutorily prohibited to them. Those members of the Party who supported or endorsed the petition for integration of Timor into Indonesia and who continued to create dissension within the Party were formally expelled, and this was done with the knowledge of the Portuguese organs of sovereignty.

A third argument is that on 17 July 1976 a Popular Assembly presented to President Suharto a petition of the Timorese people requesting that they should become independent through integration into Indonesia.

Nothing could be further from the truth!

(Mr. Da Silva Guterres)

In fact, the integration of a Non-Self-Governing Territory into another State is provided for, but it is subject to very precise requirements. According to what is established in Principle IX of General Assembly resolution 1541 (XV), never fulfilled by Indonesia:

"Integration should have come about in the following circumstances:

"(a) The integrating territory should have attained an advanced stage of self-government with free political institutions, so that its peoples would have the capacity to make a responsible choice through informed and democratic processes;

"(b) The integration should be the result of the freely expressed wishes of the territory's peoples acting with full knowledge of the change in their status, their wishes having been expressed through informed and democratic processes, impartially conducted and based on universal adult suffrage. The United Nations could, when it deems it necessary, supervise these processes."

How could one possibly have had free elections, in accordance with "informed and democratic processes" when one was fully at war, with more than 90 per cent of the population outside the control of the Indonesian occupation forces? Equally illegitimate and void is the petition presented by the so-called "Popular Assembly" which met at Dili on 17 July 1976. The members of the "Popular Assembly" could represent only themselves, or at most could represent the senior officials of the Indonesian secret services who designated them and together were the authors of the text of the petition for integration.

Is it in this way that, for Indonesia's authorities and for its diplomats, the wishes of the peoples have been expressed "through informed and democratic processes, impartially conducted and based on universal adult

(Mr. Da Silva Guterres)

suffrage", when its secret services designate individuals in order to assign them texts prepared in advance? Is this the democracy which is in force in Indonesia?

We could go on indefinitely refuting other false and hypocritical arguments of an economic, cultural and human-rights character presented by Indonesian diplomats. The Democratic Union of Timor and FRETILIN, having formed the Nationalist Convergence of Timor - recognized by Portugal, the administering Power of Timor, by the European Parliament, by the Vatican, by the African States which have Portuguese as their official language and by Brazil - represent the national resistance of Timor abroad. In that capacity, we appeal to the Chairman and the members of this Committee to take measures to ensure that the successive resolutions of the General Assembly and of the Security Council are implemented.

The resolution of the question of East Timor is irreversible and requires immediate negotiations. UDT and FRETILIN, as the Nationalist Convergence of Timor, support dialogue between Indonesia and Portugal with the presence of the legitimate representatives of the Timorese people, under the auspices of the Secretary-General of the United Nations within the framework of international law and in accordance with General Assembly resolution 37/30.

The Nationalist Convergence of Timor (UDT/FRETILIN) supports withdrawal of the Indonesian armed forces from Timor; the return of Portugal, with the active cooperation of the United Nations and of other countries and international organizations, in order to complete the decolonization of Timor; and the creation of political, economic, social and cultural structures which will enable the people of Timor to take full charge, in complete freedom and responsibility, of its collective destiny.

(Mr. Da Silva Guterres)

The Political Commission of UDT and FRETILIN support the return of Portugal not only because it is the administering Power of Timor but also because there exists a profound affection among the Timorese for the Portuguese, a people with a stable democratic regime, with respect for international law, without territorial ambitions towards Timor, having enshrined in its Constitution of the Republic the defence of the right of the people of Timor to self-determination and independence, and with a law ready to be applied: Law 7/75 on the Decolonization of Timor.

The petitioner withdrew.

The CHAIRMAN: The Committee has thus heard the last petitioner on the list for this meeting. The Committee will conclude the hearings at its next meeting, tomorrow morning.

ORGANIZATION OF WORK

The CHAIRMAN: The Committee will hold two meetings tomorrow, with a very extensive agenda. I would therefore appeal to all members to be punctual, so that the Committee may begin its meetings tomorrow on time.

QUESTION OF THE FALKLAND ISLANDS (MALVINAS)

The CHAIRMAN: I wish to inform members that a draft resolution on the question of the Falklands Islands (Malvinas) has been circulated in document A/AC.109/L.1786.

The meeting rose at 5.50 p.m.